

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *[Signature]* D.C.
05 SEP 15 PM 5:34

SAMANTHA D. TREZVANT,

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WD OF TN, MEMPHIS

Plaintiff,

v.

CIVIL ACTION NO.: 05-2565-D/A

**ALLENBROOKE NURSING
AND REHABILITATION
CENTER, LLC,**

Defendant.

RULE 16(b) SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following dates are established as final dates for:

INITIAL DISCLOSURES (RULE 26(a)(1)): October 6, 2005

JOINING PARTIES:

for Plaintiff: **November 22, 2005**

for Defendant: **December 22, 2005**

AMENDING PLEADINGS:

for Plaintiff: **November 22, 2005**

for Defendant: **December 22, 2005**

COMPLETING ALL DISCOVERY: May 22, 2006

This document entered on the docket sheet in compliance
with Rule 58 and 79(a) FRCP on September 15, 2005

(Signature)

- (a) DOCUMENT PRODUCTION,
INTERROGATORIES,
REQUESTS FOR ADMISSION: **To be completed by May 22, 2006**
- (b) DEPOSITIONS: **To be completed by May 22, 2006**
- (c) EXPERT WITNESS DISCLOSURE (Rule 26):
 - (1) DISCLOSURE OF PLAINTIFF'S
RULE 26 EXPERT INFORMATION: **March 22, 2006**
 - (2) DISCLOSURE OF DEFENDANT'S
RULE 26 EXPERT INFORMATION: **April 21, 2006**
 - (3) EXPERT WITNESS DEPOSITIONS: **May 22, 2006**

FILING DISPOSITIVE MOTIONS: **June 22, 2006**

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

- (a) for Plaintiff: 45 days before trial
- (b) for Defendant: 30 days before trial

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last 2 to 3 days. The presiding judge will set this matter for JURY TRIAL. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

OTHER RELEVANT MATTERS:

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

The parties are ordered to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

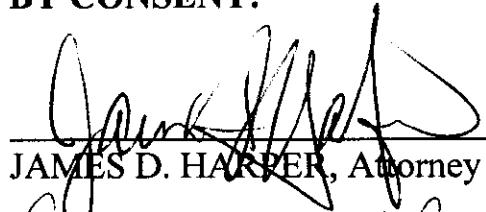
IT IS SO ORDERED.



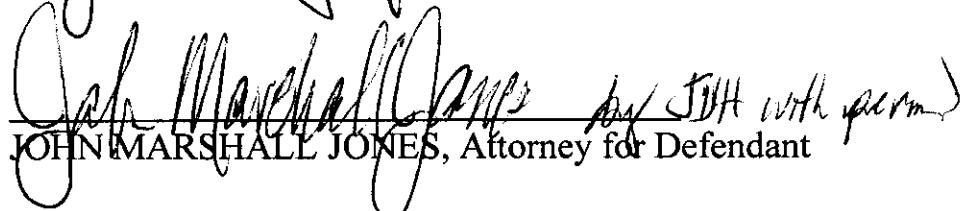
S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Dated this 15th day of September 2005.

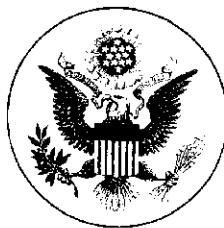
BY CONSENT:



JAMES D. HARPER, Attorney for Plaintiff



JOHN MARSHALL JONES, Attorney for Defendant



Notice of Distribution

This notice confirms a copy of the document docketed as number 9 in case 2:05-CV-02565 was distributed by fax, mail, or direct printing on September 16, 2005 to the parties listed.

James David Harper
STROUD & HARPER
P.O. Box 210
Southaven, MS 38671

John Marshall Jones
BOURLAND HEFLIN ALAREZ & MINOR
5400 Poplar Avenue
Ste. 100
Memphis, TN 38119

John J. Heflin
BOURLAND HEFLIN ALAREZ & MINOR
5400 Poplar Avenue
Ste. 100
Memphis, TN 38119

Kenny W. Armstrong
CHANCERY COURT, 30TH JUDICIAL DISTRICT
140 Adams Ave.
Rm. 308
Memphis, TN 38103

Lynlee Wells Palmer
JOHNSTON BARTON PROCTOR & POWELL LLP
1901 Sixth Ave., N.
2900 AmSouth/Harbert Plaza
Birmingham, AL 35203

Spencer A. Kinderman
JOHNSTON BARTON PROCTOR & POWELL LLP
1901 Sixth Ave., N.
2900 AmSouth/Harbert Plaza
Birmingham, AL 35203

Honorable Bernice Donald
US DISTRICT COURT